

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 14, 2003 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #2014
Northview Villas Community Unit Plan

PROPOSAL: To obtain a special permit for 61 dwelling units clustered into seven apartment buildings.

LOCATION: Generally located at N. 24th between Superior and Dodge Streets.

WAIVER REQUEST: None.

LAND AREA: 5.5 acres, more or less.

CONCLUSION: With conditions, this request is in conformance with the Comprehensive Plan and Zoning Ordinance.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Block 1, Northview 4th Addition and the vacated Timothy Court, all located in Section 12, T10N, R6E.

EXISTING ZONING: R-4, Residential.

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Bank	O-3, Office Park
South:	Residential	R-3, Residential
East:	Commercial	I-1, Industrial
West:	Office, public school, residential	O-3, R-3, R-2, Residential

HISTORY: Special Permit #1821 for a childcare facility, Special Permit #1820 for 168 domiciliary care dwelling units, Change of Zone #3231 from R-3 to R-4, Special Permit #1781 for Northview 1st Community Unit Plan and Northview 1st Preliminary Plat #99017 were approved by the City Council on **February 22, 2000.**

Northview Preliminary Plat #96021, Combined Special Permit/Use Permit #12 for the office park were approved by the City Council on **March 3, 1997**.

Change of Zone #3025 from R-3 to O-3 (north of this site) was approved by the City Council on **January 21, 1997**.

Northview Preliminary Plat #94028 and Change of Zone #2906 from R-3, Residential to O-3 Office Park (north of this site) was approved by the City Council on **August 7, 1995**.

City Council approved Change of Zone #1755 from R-2 to R-3 in **January 1980**.

Zoned A-2, Single Family until it was converted to R-2, Residential during the **1979** zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Urban Residential in the Comprehensive Plan (F-25).

"Maximize the community's present infrastructure investment by planning for residential...in areas with available capacity" by "encouraging...more dwelling units per acre in new neighborhoods" (F 17).

"Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population" (F-18).

"Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood" (F 18).

"Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process" (F 66).

"Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods" (F 66).

"Similar housing types face each other...change to different use at rear of lot" (F 67) (F 69).

"Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas" (F 69).

"Require new development to be compatible with character of neighborhood and adjacent uses" (F 69).

UTILITIES: An existing 6" water main is shown along N. 24th Street connecting to private water throughout the site. Private sanitary sewer through the site is shown connecting to existing sanitary sewer from the east.

TRAFFIC ANALYSIS: Superior Street is classified as an Urban Principal Arterial. All other streets are classified as local streets (F-103).

PUBLIC SERVICE: There is a public elementary school west of this site. A public library is east of N. 14th Street off Superior Street.

A proposed new pedestrian center is identified near this area on the Pedestrian Activity Centers Plan (F-91). Pedestrian centers are areas where people are known to walk around, shop, eat, or conduct business. An existing trail is identified along Superior Street in the Trails and Bicycle Facilities Plan (F-95).

ANALYSIS:

1. The Parks and Recreation Department indicated that an outdoor recreation plan is required and has not been provided. Parks and Recreation Department indicated that a tot lot and half court basketball court is desired. They also indicated they have no plans to build a trail east of this site, however, the Northview preliminary plat showed a bike trail along the eastern portion of the plat connecting eventually to Dodge Street. The developer shows this trail on their special permit to connect with the existing easement to the south. This is to be a private trail built and maintained by the developer or approved homeowners association.
2. The Building and Safety Fire Prevention/Life Safety Code Department indicated that no private fire hydrants are shown. The Fire Department also noted hydrant deficiencies.
3. The Public Works & Utilities Department had several comments relative to grading/drainage and internal sidewalks.
4. The Public Works & Utilities Department indicated that the entrance drive with a steep slope comes to a tee intersection with a building and this could cause a potentially dangerous situation. The Public Works & Utilities Department indicated that there is no standard to require this revision, but strongly recommends an alternative layout and decreasing the slope of the entrance drive to provide a safer roadway.
5. The Lincoln-Lancaster County Health Department has several comments relative to proximity to the I-1, Industrial district and potential exposure to hazardous chemicals.
6. The Lincoln Electric System requests additional utility easements.
7. Comments were not received by the Lincoln Public Schools District, United States Parcel Service, or Building and Safety Department.

8. Landscaping and screening is required along the entire perimeter of the site screening 50% of the vertical plane from 6'-15'. The landscape plan submitted does not meet this standard.
9. Sidewalks are not shown in many of the drive aisles and should be shown to increase pedestrian accessibility within the site.
10. The ownership certificate indicated the City of Lincoln as owner of the vacated Timothy Court right-of-way. The applicant must either revise the plat to remove the city owned land from the plat or obtain deed to the property prior to scheduling on the City Council.
11. With the following conditions the proposed development is consistent with the goals and objectives of the Comprehensive Plan for new residential areas.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:
 - 1.1.1 Correct legal description to indicate a block number.
 - 1.1.2 Corrections as requested by the Fire Department in memo dated 4/25/2003 and Building and Safety Fire Prevention/Life Safety Code Departments in memo dated 4/23/2003.
 - 1.1.3 Corrections as requested by the Parks and Recreation Department in memo dated 4/23/2003.
 - 1.1.4 Corrections as requested by the Public Works & Utilities Department in memo dated 4/28/2003.
 - 1.1.5 Alternative building layout and decreased slope of the entrance drive to the satisfaction of the Public Works & Utilities Department.
 - 1.1.6 Utility easements as requested by the Lincoln Electric System in memo dated 4/24/2003.

- 1.1.7 Sidewalks along both sides of all internal driveways.
 - 1.1.8 Signed Surveyor's Certificate.
 - 1.1.9 Label utilities as either existing or proposed.
 - 1.1.10 Either remove the vacated Timothy Court from the boundaries of the special permit, or obtain title to the vacated right-of-way and submit to the Planning Department.
- 1.2 Revise the landscape plan to show:
 - 1.2.1 Landscaping and Screening to meet Design Standards.
- 2. This approval permits 61 dwelling units.

General:

- 3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan including 6 copies and the plans are acceptable
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Complete, or post a surety to guarantee the completion of the public sidewalks, bike trail, landscaping screens, street trees, drainage facilities, private water, private sanitary sewer and private storm sewer in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.
 - 3.4 Dedicate a pedestrian way easement over the bike trail.
 - 3.5 The owner requests that Special Permit #1820 be rescinded by Administrative Amendment.

STANDARD CONDITIONS:

- 4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.

- 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Becky Horner
Planner

DATE: May 1, 2003

APPLICANT: Regal Building Systems, Inc.
2610 Park Boulevard
Lincoln, NE 68502
(402)435-3550

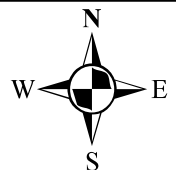
OWNER: Regal Building Systems, Inc.

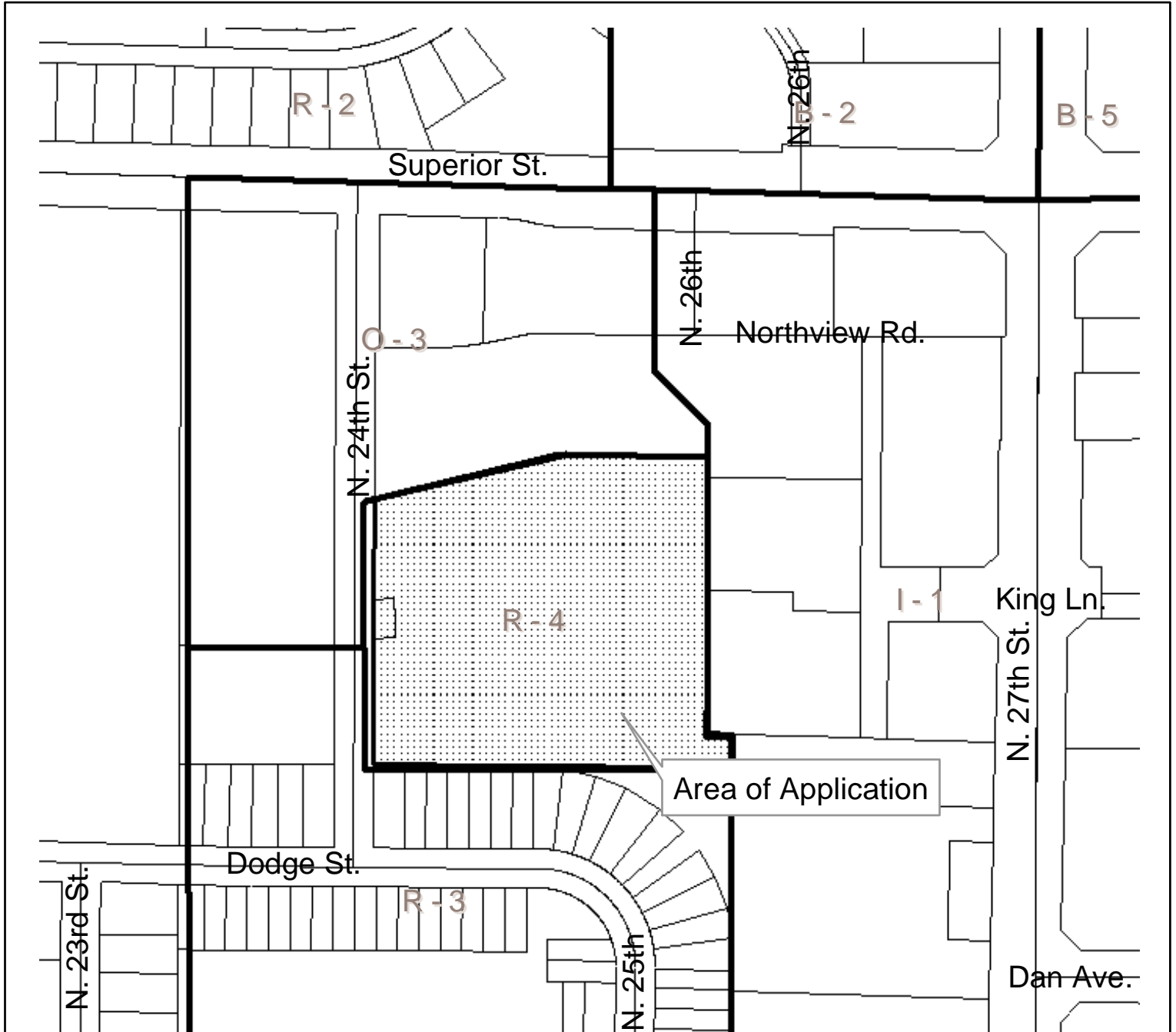
City of Lincoln, Nebraska (vacated Timothy Court)

CONTACT: Brian D. Carstens and Associates
601 Old Cheney Road, Suite C
Lincoln, NE 68512



**Special Permit #2014
N. 24th & Dodge St.
Northview Villas CUP**



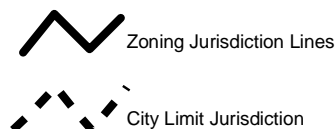
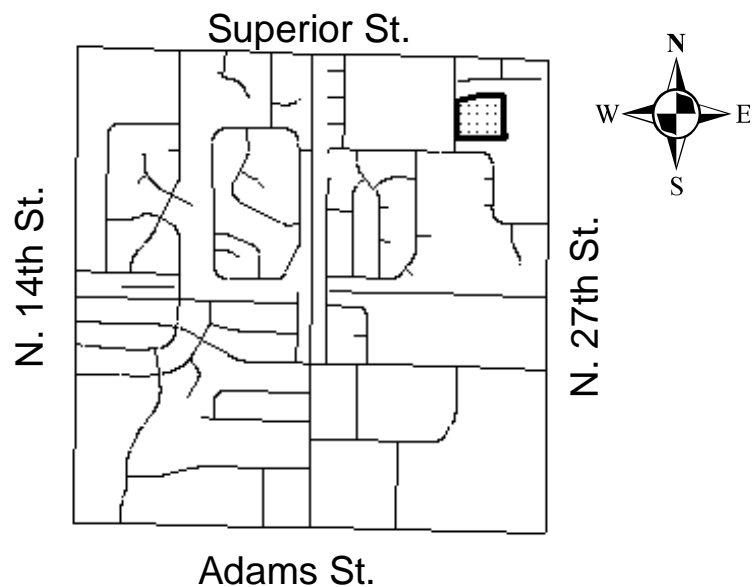


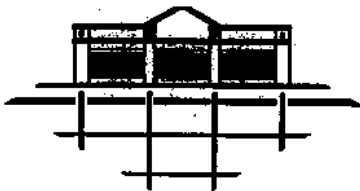
Special Permit #2014 **N. 24th & Dodge St.** **Northview Villas CUP**

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 12 T10N R6E





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

April 17, 2003

Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: NORTHVIEW VILLAS- SPECIAL PERMIT/ COMMUNITY UNIT PLAN

Dear Marvin,

On behalf of Regal Building Systems, Inc., we are submitting the above mentioned special permit / community unit plan. The property is located at North 24th Street and Dodge Street. The special permit / community unit plan contains 5.48 acres.

The existing 'R-4' zoning allows for a total of 68 dwelling units. We are proposing six, nine unit buildings and one 7 unit building for a total of 61 dwelling units. The buildings are one story buildings with walkout basements. There are 5 units on the main level and 4 units on the walkout/ lower level. Each unit will have it's own attached single stall and/ or two stall garage, with parking outside on the driveway. The project exceeds the required parking regulations.

The site was previously approved for 188 units of elderly/ retirement housing. The proposed building was 3 stories in height.

This site is currently surrounded by 'O-3' zoning to the north and northwest (existing and future offices), 'R-2' zoning to the south (existing duplexes), 'R-3' zoning to the west (proposed child care center).

The site will be served with private water and sewer mains that connect to existing public mains. Private driveways will provide vehicular circulation. A sidewalk is provided in various locations to provide pedestrian circulation thru the site and to the proposed bike trail along the eastern boundary.

We are not requesting any waivers with this special permit. We are not requesting further subdivision of the property.

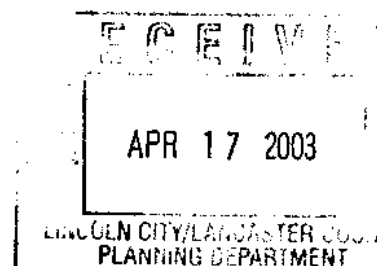
Please feel free to contact me if you have any further questions.

Sincerely,

Brian D. Carstens

CC: Regal Building Systems

ENCLOSURES: 24 copies of sheet 1 of 4
8 copies of sheets 2 thru 4
Application for a Special Permit
Application fee of \$1,415.00
Certificate of ownership
8-1/2" x 11" reduction



Memo



To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: April 23, 2003

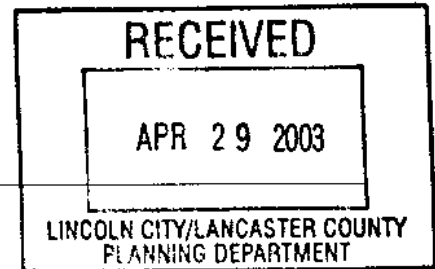
Re: Northview Villas SP 2014

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Please provide an outdoor recreation plan. Include a tot lot and a half court basketball court.
2. At this time, no trail is planned by the City of Lincoln for the eastern boundary.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

M e m o r a n d u m



To: Becky Horner, Planning Department
From: *CB* Chad Blahak, Public Works and Utilities
Subject: Northview Villas Special Permit
Date: April 28, 2003
cc: Randy Hoskins
Nicole Fleck-Tooze

Engineering Services has reviewed the special permit for Northview Villas located east of North 24th Street between Superior Street and Dodge Street and has the following comments:

- Water Main - The water system for this project is satisfactory.
- Sanitary Sewer - The sanitary sewer for this project is satisfactory.
- Grading/Drainage - There appears to be a retaining wall shown on the east side of the site along the proposed bike trail. If a retaining wall is proposed, it needs to be labeled with a proposed height. If no retaining wall is to be used, the grading plan needs to be revised to match the existing bank at a maximum of 4 to 1 slope.

The entrance drive shows a paving slope in excess of 9% down to a tee intersection with no platform. The City of Lincoln Standards for public and private roads allow a maximum of 8% paving slope. Since this is a proposed private drive system, the standards do not apply. However, strong consideration should be taken to reconfigure the grading plan and/or building size and shape to eliminate this potentially dangerous situation.

The original approved plat showed very little or no area draining across the north property line. Two of the drive aisles that dead end to the north, drain a significant portion of the site and are shown to drain concentrated flows directly onto the property to the north. This concentrated flow will cause erosive situations at the end of the drives. Flow and velocity information needs to be shown for the concentrated flows. Storm sewer may be required to convey the drainage east to the existing channel.

The grading in the first north/south drive aisle east of 24th Street shows low points being created in the proposed driveways without providing storm sewer for drainage. The grading needs to be adjusted to eliminate these situations. The building floor elevations may need to be adjusted accordingly.

Becky Horner, Planning Department

Page 2

April 28, 2003

- General - No sidewalks are shown in a number of the drive aisles.

The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system and public storm sewer system has been reviewed to determine if the sizing and general method of providing service is satisfactory. Design consideration including, but not limited to, location of water main bends around curved and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connecting storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

Richard J Furasek

To: Rebecca D Horner/Notes@Notes

04/25/2003 09:47 AM

cc:

Subject: Northview Villas

After reviewing Northview Villas special permit #2014, I noticed the only fire hydrant is at the entrance on north 24th street. . It would be nice to have a couple of hydrants in the development or am I just not seeing them on the plot map.

Richard J. Furasek

Assistant Chief Operations

Lincoln Fire & Rescue

1801 Q Street

Lincoln Ne. 68508

Office 402-441-8354

Fax 402-441-8292

IMPORTANT

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Permit # **DRF03036**

Address

Job Description: Development Review - Fire

Location: NORTHVIEW VILLAS

Special Permit: Y 2014

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By **BECKY HOMER**

Status of Review: Denied

04/23/2003 7:29:54 AM

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: show private fire hydrants.

Current Codes in Use Relating to Construction Development in the City of Lincoln:

2000 International Building Code and Local Amendments
2000 International Residential Code and Local Amendments
1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
1989 Fair Housing Act As Amended Effective March 12, 1989
1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
1999 National Electrical Code and Local Amendments
1997 Uniform Mechanical Code and Local Amendments
1994 Lincoln Gas Code
1994 NFPA 101 Life Safety Code
2000 Uniform Fire Code and Local Amendments
Applicable NFPA National Fire Code Standards

RECEIVED

APR 23 2003

**LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT**

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner

DATE: April 28, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder
Doug Smith, REHS

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Northview Villas
SP #2014

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following items noted:

- I-1 zoning is abutting the proposed Northview Villas development directly to east. According to the site plan submitted with the special permit application, three of the proposed buildings are located as close as 90 feet to the existing I-1 zone to the east. The LLCHD has historically voiced concerns regarding locating residential developments adjacent to industrial zoning. These concerns focus on the permitted uses within the I-1 zone and the potential to expose future residents to releases of hazardous chemicals and/or materials. The LLCHD recommends at least a 300 feet buffer between residential populations and industrial uses. The proposed site plan does not provide an adequate buffer for the future residents of this development. Until an adequate buffer zone of 300 feet is delineated on the site plan, the LLCHD cannot support the approval of this special permit.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- Wastewater disposal and the water supply will be the City of Lincoln.



INTER-DEPARTMENT COMMUNICATION

DATE April 24, 2003

TO Becky Horner, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS – Special Permit No. 2014
DN #42N-24E

Attached is the Site Plan for Northview Villas.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

Please be advised additional easements will be required when service is requested per the Special Permit/Community Unit Plan # _____ Site Plan dated April 17, 2003.

As noted on Item 11 of the General Notes, any relocation of existing facilities will be at the owner/developer's expense.

ST/nh
Attachment
c: Terry Wiebke
Easement File

